

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
June 22, 2016

- ITEMS: 8
- SUBJECT: Rescission of WDRs: An Order Rescinding Orders Nos. 88-37, 88-66, and 93-119, Individual Waste Discharge Requirements for CEMEX Materials Pacific, LLC (CEMEX) Sand and Gravel Operations in Oceanside, Escondido, and San Diego (Tentative Order No. R9-2016-0072). (*Roger Mitchell*)
- PURPOSE: To consider adopting Tentative Order No. R9-2016-0072 (Supporting Document 1).
- RECOMMENDATION: Adoption of Tentative Order No. R9-2016-0072.
- KEY ISSUES:
1. The discharges of storm water and sediment-laden wastewater from CEMEXs' three sand and gravel operations have the potential to adversely impact the quality and beneficial uses of waters of the State.
 2. The individual Orders prescribing waste discharge requirements (WDRs) for the CEMEX sand and gravel plants, located in Oceanside, Escondido and San Diego, are outdated, and can be rescinded because the three operations are enrolled in the Industrial Storm Water Permit¹ and Slurries Waiver² upon rescission of the individual Orders. The requirements in the Industrial Storm Water Permit and conditions in the Slurries Waiver together impose the controls needed to protect waters of the State from storm water and wastewater discharges at the three operations.
- PRACTICAL VISION: Controlling discharges through WDRs and waivers is a key part of the strategy to achieve healthy waters in the San Diego Region. Imposing those controls through the most recent Industrial Storm Water Permit and Slurries Waiver in

¹ Order No. 2014-0057-DWQ, *National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities*.
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2014/wqo2014_0057_dwq_rev_mar2015.pdf

² Order No. R9-2014-041, *Conditional Waiver of Waste Discharge Requirements for Low Threat Discharges in the San Diego Region – Waiver No. 9, Discharges of Slurries to Land*.
http://www.waterboards.ca.gov/sandiego/water_issues/programs/waivers/docs/w/WaiverNo9.pdf

place of the three outdated individual WDR Orders is a prudent use of the Board's authority that protects water quality, while saving limited staff resources.

DISCUSSION:

CEMEX is the owner and operator of three sand and gravel operations located in Oceanside, Escondido, and San Diego. CEMEX is responsible for controlling the discharges of storm water and sediment-laden wastewaters produced from sand and gravel washing, and concrete batching activities at each operation. Wastewaters are discharged to settling ponds, and temporarily stored prior to reuse in washing aggregates, batching concrete, washing trucks, and suppressing dust from facility operations.

The wastewater discharges have the potential to cause deleterious sedimentation, turbidity, and discoloration if discharged to waters of the State. The San Diego Water Board has regulated storm water and wastewater discharges at these operations for over 20 years through the three individual WDR Orders proposed for rescission.³

The three individual Orders are over 30 years old and contain antiquated references and storm water requirements duplicative of the statewide Industrial Storm Water Permit. They are further complicated by addenda which modified the original orders adopted by the San Diego Water Board. Concurrent enrollment of the facilities in the Slurries Waiver and statewide Industrial Storm Water Permit will provide a level of water quality protection equal to that provided by the individual Orders. The requirements in the Industrial Storm Water Permit and conditions in the Slurries Waiver together impose the controls needed to protect waters of the State from storm water and wastewater discharges at the three operations.

Furthermore, rescission of the individual Orders saves San Diego Water Board resources that would otherwise be used to review and reissue the three orders. The rescission action also reduces CEMEX's economic burden by eliminating its obligation to submit an annual fee to the State Water Resources Control Board for the individual WDRs at each operation.

³ Orders Nos. [88-37](#), Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Palomar Oceanside Batch Plant, San Diego County; [88-66](#), Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Palomar Escondido Batch Plant, San Diego County; and [93-119](#) Waste Discharge Requirements for CEMEX Materials Pacific, LLC, Mission Valley Plant Complex, San Diego County.

In letters dated February 24, 2016 (Supporting Document 2), CEMEX requested rescission of the individual Orders and proposed the operations be enrolled in the Slurrries Waiver. On March 9, 2016, San Diego Water Board staff inspected (Supporting Document 3) and verified that each operation satisfies all of the enrollment eligibility criteria specified in the Slurrries Waiver, including ongoing enrollment in the Industrial Storm Water Permit. Upon rescission of the orders, the facilities will be enrolled in the Slurrries Waiver.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Tentative Order No. R9-2016-0072.
2. February 24, 2016 letters, requesting rescission of individual Orders and subsequent enrollment in the Slurrries Waiver.
3. March 9, 2016 Facility Inspection Letters.
4. Facilities Location Map.
5. Notification Letter for Public Hearing and Comment Period.

SIGNIFICANT CHANGES:

Rescission of individual Orders (listed above).

COMPLIANCE subject RECORD:

There are no outstanding compliance issues at any of the operations.

PUBLIC NOTICE:

Notification of this action was sent to known interested parties by email on March 15, 2016 (Supporting Document 5). The Tentative Order was also posted on the San Diego Water Board website on March 15, 2016. These actions satisfy the public notification requirements of Water Code, division 7, section 13167.5 for a 30-day notice.